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ROBIN M SILVA
FLEHR HOHBACH TEST ALBRITTON AND HERBERT
FOUR EMBARCADERO CENTER
SUITE 3400
SAN FRANCISCO CA 94111-4187

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OFFICE OF PETITIONS

In re Application of   :   DECISION ON PETITION
Kayyem, et al.   :
Application No. 08/541,191   :
Filed: October 11, 1995   :
Attorney Docket No. A-62629/RFT :

This is a decision on the petition to revive the above-identified application pursuant to 37 CFR 1.137(b), filed July 12, 2002.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to timely file a proper Appeal Brief. A final Office action was mailed on November 14, 2000, which set a shortened statutory period for reply of three months. Petitioner obtained a three month extension of time and replied with a Notice of Appeal on May 21, 2001 (Certificate of Mailing dated May 14, 2001). Accordingly, petitioner had two months from the filing of the Notice of Appeal, or until July 21, 2001, to file an Appeal Brief (with fee) in triplicate. No Appeal Brief having been received, the above-identified application became abandoned on July 22, 2001. A Notice of Abandonment was mailed on April 22, 2002.

Petitioner has satisfied the requirements for a grantable petition under 37 CFR 1.137(b). Petitioner paid the petition fee, submitted a reply in the form of a Continued Prosecution Application (CPA), and made the proper statement of unintentional delay.

The small entity fee for a petition under 37 CFR 1.137(b) of $640 has been charged to Deposit Account No. 06-1300, as authorized.

The application file is being forwarded to Technology Center 1600 for processing of the CPA and the Terminal Disclaimer submitted with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
    for Patent Examination Policy